

# ***Steering Committee on Media and Information Society - CDMSI***

COUNCIL OF EUROPE



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## **Comments of the Steering Committee on Media and Information Society on the Parliamentary Assembly Recommendation 2085(2016) "Strengthening the protection and role of human rights defenders in Council of Europe member States"**

1. The Steering Committee on Media and Information Society (CDMSI) examined with interest the Parliamentary Assembly (PACE) Recommendation 2085(2016) on strengthening the protection and role of human rights defenders in Council of Europe member states.

2. The CDMSI recalls the Declaration of the Committee of Ministers on Council of Europe action to improve the protection of human rights defenders and promote their activities, adopted on 6 February 2008, which sets out principles on the protection of human rights defenders. Furthermore, in this Declaration the Committee of Ministers stresses that human rights defenders merit special attention due to their important role in promoting the protection of human rights and fundamental freedoms, including freedom of expression, without any restrictions.

3. The right to freedom of expression, including the right to receive and impart information and ideas without interference, as guaranteed by Article 10 of the European Convention on Human Rights, constitutes one of the fundamental principles upon which a democratic society is based. It should be further recalled that in order to receive and impart information and ideas without interference, other fundamental rights should be safeguarded as well, and notably the right to private life and personal data, which are protected under Article 8 of the European Convention on Human Rights and Convention 108. The CDMSI is of the opinion that the strengthening of the role of human rights defenders affects substantially the effective realisation of the watchdog function of journalists in a democratic society.

4. The CDMSI also recalls the Declaration of the Committee of Ministers on protection of journalism and safety of journalists and other media actors, adopted on 30 April 2014, which stresses that the implementation of the UN Plan of Action on the Safety of Journalists and the Issue of Impunity is an urgent and vital necessity. The CDMSI considers the PACE Recommendation as a timely response to condemn the fact that human rights defenders are all too often victims of violations of their rights, threats and attacks, despite efforts made at national and international levels.

5. The CDMSI recalls that, in their broad function to gather information and disseminate it to a public audience, many journalists, although not qualified as human rights defenders, do act as defenders, for example when they report on human rights abuses and bear witness to acts that they have seen.

6. The CDMSI further notes that while the European Court of Human Rights does not give a definition of journalism, it refers to a diverse range of contributions to public debate, emphasising the freedoms that are instrumental to the realisation of the public watchdog role

traditionally played by journalists and the media in any democratic society. Whereas public watchdog functions were predominantly fulfilled by journalists and the media in the past, they are now increasingly being fulfilled also by other media and non-media actors<sup>1</sup>. This is the reason why the CDMSI attaches particular importance to the strong links between journalism and the defense of human rights.

7. In full compliance with the Declaration of the Committee of Ministers of 30 April 2014, in its last plenary meeting (8-11 December 2015), the CDMSI endorsed the draft CM Recommendation on the protection of journalism and the safety of journalists and other media actors in Europe. The draft Recommendation is expected to be examined soon by the Committee of Ministers.

8. The CDMSI is aware that the work of human rights defenders, their protection and the development of an enabling environment for their activities lie at the core of the mandate of the Council of Europe's Commissioner for Human Rights. The CDMSI wishes to stress the fundamental importance of the work of the Commissioner, in particular to those member States where the watchdog function of journalists to document and report on human rights violations is hampered.

9. The CDMSI considers that the PACE Recommendation substantially contributes to the enhanced protection of journalists performing their watchdog functions and acting, in this regard, as human rights defenders.

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<sup>1</sup> See, for example, *Társaság a Szabadságjogokért v. Hungary*, no 37374/05, 14 April 2009, § 27 ; *Steel & Morris v. the United Kingdom*, no. 68416/01, § 89, ECHR 2005-II